

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing claim amendments and Applicants remarks that follow.

Claims 1-7, and 13-14 are cancelled by this amendment. Claim 15 is amended to incorporate all the limitations of now cancelled claim 1. Specifically, claim 15 is amended to recite the step of producing a Formula I compound by subjecting a compound according to Formula (IIa) or Formula (IIb) to acidic conditions. This limitation is well supported in the specification (see para [0010]), as well as by original claim 1.

Claims 8-12 and 16-20 stand withdrawn as being directed to a non-elected invention.

Claim Objections

The Office objected to claim 14 because the phrase C₁-C₅ alkoxy was repeated three times in the definition for R₁. Applicant has cancelled this claim. Thus, the rejection is moot. Applicant reserves the right to pursue the cancelled subject matter in one or more continuing applications.

35 USC 112- Second Paragraph

Claim 15 is rejected as indefinite, because the claim does not recite the process steps for producing Formula I compounds. Applicant has amended claim 15 to address this issue. Specifically, claim 15 is amended to incorporate the limitations of now cancelled claim 1, and to recite the step of producing a Formula I compound by subjecting a compound according to Formula (IIa) or Formula (IIb) to acidic conditions.

Accordingly, the PTO is respectfully requested to withdraw the section 112 rejection.

35 U.S.C. § 103 rejections

Claims 1-7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hachisu et al. (*J. Amer. Chem. Soc.* 2003, 125, pp. 8432-8433), in view of Bachman et al. (*Journal of the American Chemical Society*, Vol. 57, No. 6, June 1935, pp. 1095-8).

This rejection is moot, since Applicant has cancelled these claims. Applicant reserves the right to pursue the subject matter of the cancelled claims in one or more continuing applications.

CONCLUSION

Having advanced credible remarks for the withdrawal of the outstanding rejections, and based on the examiner's commentary in the previous Office action about allowing claim 15 if presented in independent format, Applicant believes that the present application is now in condition for allowance and requests an early indication to this effect. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By 

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.